

REMARKS

The specification is objected to in various places. In agreement with the Examiner, these amendments are included herein.

Claims 1-41 are presently pending in the application. Claims 6, 7, 8-29, and 40-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Brunheroto (6,690,683). Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of admission of Prior Art. Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in further view of Amaral (2002/0024970A1). Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Prior Art, in further view of Amaral, in further view of Schiller (2002/0007491A1). Claim 40 was rejected under 35 U.S.C. 103(a) as being unpatentable over Conoscenti (5,627,835) in view of Brunheroto. Claims 15-29 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6 and 7 would be allowable if amended to overcome the 35 U.S.C. 112, second paragraph, rejection. Claims 1-5, 30-38, and 39 are allowed.

Claims 6, 8, and 40 have been amended to more clearly define the present invention. It is believed that they and their dependent claims 7 and 9-29, respectively, are now in condition for allowance. More specifically, claim 6 is directed towards providing an adjustment reverse channel synchronization message for maintaining the reverse channel synchronization received from the cable modems. Support for the amendment can be found on page 13, lines 16-18 and page 15, lines 16-20. Additionally, claims 8 and 40 were amended to clarify that the shared reverse channel timing control information is generated in order to synchronize the reverse transmissions from the cable modems. It is believed, therefore, that the amendments overcome the rejection under 35 U.S.C. 112, second paragraph.

Claim 8 was rejected under 35 U.S.C. 102(e) as being anticipated by Brunhereto. Independent claim 8 has been amended to include objected dependent claim 15. More specifically, claim 8 now includes a buffering step for the packet streams and integrating the buffered streams into one stream. It is now believed that claim 8 is now in condition for allowance over the cited art.

Claims 9-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the various cited art. Since it is believed that independent claim 8 is in condition for allowance, it is also believed that dependent claims 9, 10, and 12-14 are also in condition for allowance. Claims 11 and 15 have been canceled. Claims 16-29 further limit independent claim 8 and are therefore also believed to be in condition for allowance.

Claim 40 was rejected under 35 U.S.C. 103(a) as being unpatentable. Claim 40 has been further amended to include objected, but allowable, claim 41. It is now believed that claim 40 is in condition for allowance. Claim 41 has been canceled.

Applicant wishes to thank the Examiner for the allowance of claims 1-5, and 30-39. Reconsideration and reexamination of the present application with the amended claims is requested in view of the foregoing amendment and in view of the following remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated August 24, 2005. Claims 1-10, 12-14, and 16-40 will be pending in the present application upon entry of the present amendment, with claims 1, 8, 30, 39, and 40 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 5 independent claims. Because Applicant has previously paid for 41 total claims and 5 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

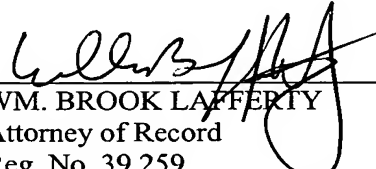
Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

SEND CORRESPONDENCE TO:

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Faye Ropski